

IN THE MATTER OF BLACK VS. BREWER, ET AL

District Court of the CNMI

Civil Case No.: 05-0038

October 30, 2006

Case Review and Expert Report

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Exhibit "H"

BLACK vs. BREWER
Civil Action No. 05-0038

I. ASSIGNMENT

Ms. Lisa Black was a teacher at Hopwood High School until she was terminated in 2005. She was abruptly terminated for reasons Ms. Black believed were unrelated and not meriting such action. Ms. Black claims that the unexpected termination led to troublesome mental and physical distress and aggravation and exacerbation of her Vitiligo, a dermatologic disease.

This assignment was to review the medical facts regarding the patient's illness and to state an opinion if the inciting psychosocial event could have caused the exacerbation of Ms. Black's Vitiligo, and, further aggravation of her emotional distress due to this illness.

Source and Reliability: the medical history was obtained by personal e-mail interview of the patient. Other pertinent information was obtained from pleadings and her deposition testimony. The patient appeared to be very reliable and honest and well informed about her condition.

The medical opinion rendered herein is derived from medical education, post graduate training, over 20 years of experience as a primary care specialist in Family Medicine and Continuing Medical Education over 20 years. Opinions and conclusions were further supported by Treatises recognized and relied upon by all medical professionals as the authority in the subject matter in dispute: 1. the entire Medical Literature published and

archived by the National Library of Medicine (accessible through Medline) and 2. Habif, T. Clinical Dermatology. Mosby. 1985. And Guyton's human physiology and mechanisms of diseases.

II. QUALIFICATION AND COMPENSATION OF CONSULTING EXPERT

Vitiligo is a dermatologic disease of low incidence and prevalence when compared to other well known diseases like diabetes and hypertension (1-2%). In rural communities where dermatologists do not usually practice, primary care specialists (Family Medicine and Internal Medicine) are the usual managing physicians. Secondly the scope of knowledge and treatment are not especially technically difficult (with the exception of PUVA – Psoralen and Ultraviolet Light) or controversial that precludes primary care specialists from initiating and maintaining treatment. Thirdly, the pathophysiology of Vitiligo resembles many other autoimmune diseases diagnosed and managed by primary care specialists, rendering Vitiligo's pathophysiology readily understood and followed by such primary care specialists. Finally, as an Assistant Clinical Professor of Family Medicine (University of Hawaii, John Burns School of Medicine) and preceptor of medical students and resident physicians, it is my duty to stay current with medical knowledge and development in diagnosing of all varieties of diseases and their pathophysiology and management.

I graduated from St. Louis University (1975-78) with a BA in Biology and Pre-med. I obtained my Medical Degree from the University Of Hawaii John Burns School Of Medicines (1979-84). I completed Internship and Residency at the University of California at Irvine- San Bernardino County Family Residency Program (1984-1987). Successfully passed

the Family Medicine Specialty Board and became a Diplomate of the American Board of Family Medicine in 1987. I Passed three successive National Board Exams and became a Diplomate of the National Board of Medical Examiners of the United States of America.

I have written and published one time -- an article entitled "HIV Seroprevalence in the CNMI." Like Vitiligo, HIV is an illness involving the Immune system. Currently I am a staff at the Commonwealth Health Center in the Department of Emergency Medicine and Family Medicine. Currently I am the Medical Director of the CNMI Emergency Medical services. I am a recipient if numerous awards and honors and recognitions throughout medical career.

I have provided expert witness testimony by deposition or at trial in about six cases over the last ten (10) years. In the last four (4) years I am uncertain if I have provided expert witness testimony in any cases except for *Uedaira v. Columbia Casualty Company*, Civ. No. 03-0054D (N.M.I. Superior Court) and *Lee v. Guandong*, Civ. No. 02-0047B (N.M.I. Superior Court). In *Uedaira v. Columbia Casualty Company*, I was qualified as an expert witness and testified at trial. In *Lee v. Guandong*, I have provided deposition testimony. Detailed information on the cases I have worked on can be obtained from the Law Office of William Fitzgerald and the Law Office of Antonio Atalig.

In this engagement, I was retained at the rate of \$200 per hour to review records, provide a written report and testify if necessary. My entitlement to compensation was not dependent on the conclusions I reached in my analysis or on the outcome of this case.

III. CONSULTANT METHODOLOGY

1. Consultant employed the Problem Oriented SOAP based acquisition of the History of present illness in obtaining pertinent past and current pertinent medical information to formulate an opinion on the diagnosis and status of patient's medical condition.

2. Review of Recognized Medical Textbooks

a. Habif: Clinical Dermatology

b. Guyton: textbook of Human physiology and disease processes

3. Utilized Complete Medline search of National Library of Medicine

a. Trigger Factors in Childhood Psoriasis and Vitiligo. Medline

b. Picardi, A., Pasquini, P., et al. Stressful Life Events, Social Support, Attachment Security and Alexithymia in Vitiligo. Psychother Psychosom. 2003 May-June, 72(3), pp 150-158

c. Papadopoulos, L. Bor, R, et al. Impact of Life Events in Adults: Preliminary Evidence for a Psychological Dimension in Aetiology. Clinical Exp Dermatology. 1998 Nov., 23(6), pp243-48.

d. Cucchi, ML., Frattini, P., et al. Catecholamines Increase in the Urine of Non-segmental Vitiligo Especially During its Active Phase. Pigmented Cell Res. 2003 Apr., 16(2), pp 111-116.

e. Marrione, A., Piccardo, M., et al. Cathecholamines and Vitiligo. *Pigmented Cell Res.*, 1992.

f. *Pigmented Cell Res.*, 1994, April 7(2), pp 110-115. Antioxidant Status in the Blood of Patients with Active Vitiligo.

g. Other Medline Publications as more information is obtained from Patient and Chart, etc.

IV. SUMMARY OF OPINION

Vitiligo can be aggravated by stress. It is my medical opinion with reasonable medical certainty that Ms. Black's disease diagnosed as Vitiligo could be and probably was further aggravated by the stress of her termination from employment. Additionally, it must be stressed that because Vitiligo induces great emotional distress on the afflicted, any further propagation of the deformity accentuates and compounds the degree of distress the patient suffers and increases the risk of further social isolation and frustration. If not an issue now, such disfigurement may play a role in the patient's social standing, interpersonal relationship and future cost of medical treatment.

V. DISCUSSION AND CONCLUSION

1. Diagnosis and pathophysiology and epidemiology of Vitiligo

Vitiligo is an acquired disease characterized histologically by the absence of the pigment producing cells called melanocytes. Clinically, it is manifested as a white macular

discoloration that at first onset involved small areas of the body but with a predilection over hands, fingers, face and genitalia. In the initial stages, the disease may be limited in distribution and appearance but over time may involved a wider area of the body as it progresses in severity. The cause is unknown but it is beginning to be obvious that autoimmune process may be involved and that the stress of oxidation may be one of the strongest initiating forces in the initiating and exacerbation of this disease. Most current studies now show that various radicals produce within biological systems initiate the injury to melanocytes, thus Vitiligo.

It is quite clear that in Vitiligo patients, metabolites of the sympathetic nervous system neuroreceptors are increased in the urine samples indicating a high level of metabolism of such biological compounds. As it turns out, such metabolites are very powerful radicals and are believe to play a big role in the initiation and propagation of Vitiligo. Urines of Vitiligo patient show no increase in metabolite of the Parasympathetic Nervous System neuroreceptors. This leads to the conclusion that STRESS plays a big role in the origin and evolution of this disease process.

2. Findings in Detail:

Ms. Black suffered from Vitiligo from 1991 to present. Ms. Black was working in the CNMI as a Teacher and according to her, her Vitiligo was under control. Beginning in October, 2004, her job became much more stressful, due to what she perceived as being singled out by the Principal and punished for assisting with complaints against the Vice Principal. The stress culminated in March, 2004, when for no valid reason, her employment

contract as a teacher was not renewed. The non-renewal of her contract was then justified to her for reasons that seemed very unfair and amounted to a wrongful termination. At this point, her Vitiligo became aggravated and began to spread. *See* pictures attached.

Putting two and two together, the stress that Ms. Black was subjected to in the workplace aggravated her Vitiligo.

VI. CONCLUSION


The opinions and conclusions stated in this report are subject to change depending on availability of additional information.

While Vitiligo is still considered to be a disease of unknown etiology, it is however becoming very clear that specific factors are responsible for the initiation and propagation of Vitiligo. It is becoming very obvious through research and scientific observation that Stress and the stimulation of the Sympathetic Nervous System play a central role in the production of biological radicals that injure Melanocytes and other tissues of the body, leading to various illnesses.

Stress of any kind activates the Flight or Fight Reflex by activation of the Sympathetic arm of the Autonomic Nervous System. Sustained stress and the state of widespread inflammation can harm or completely destroy the body. Termination of employment is a stressful event and if the person believes the termination was wrongful, that can heighten the stress caused by the event.

It is my expert medical opinion with reasonable medical certainty that the stress due to Ms. Black's mistreatment in the workplace beginning October, 2004, and leading up to her termination as a teacher was a significantly contributing factor or causative of the exacerbation of her Vitiligo.

Submitted this 30th day of October, 2006.



Larry B. Hocog, M.D.